

**REPORT OF THE JUDICIAL COUNCIL  
CRIMINAL LAW ADVISORY COMMITTEE  
ON 2008 SB 427**

**(November 19, 2008)**

In February, 2008, Sen. John Vratil, Chair of the Senate Judiciary Committee, requested that the Judicial Council study 2008 Senate Bill 427, concerning the statute of limitations as it relates to specific sex offenses. The Kansas Judicial Council assigned the study to the Criminal Law Advisory Committee (hereinafter “the Committee”).

**COMMITTEE MEMBERSHIP**

The members of the Committee taking part in this study are as follows:

1. **Stephen E. Robison, Chair**, Wichita; practicing attorney and member of the Judicial Council.
2. **James W. Clark**, Lawrence; attorney for the Health Care Stabilization Fund.
3. **Edward G. Collister**, Lawrence; practicing attorney.
4. **Jim D. Garner**, Coffeyville; Secretary, Kansas Department of Labor.
5. **Patrick M. Lewis**, Olathe; practicing attorney.
6. **Hon. Michael Malone**, Lawrence; District Judge in the 7<sup>th</sup> Judicial District.
7. **Steven L. Opat**, Junction City; Geary County Attorney.
8. **John M. Settle**, Larned; Pawnee County Attorney.
9. **Ann Swegle**, Wichita; Sedgwick County Deputy District Attorney.
10. **Loren L. Taylor**, Kansas City; Attorney and Police Trainer.
11. **Debra J. Wilson**, Topeka; Appellate Defender’s Office.

**BACKGROUND**

The Legislature enacted K.S.A. 21-3106 in 1969. Since then, it has been amended ten times to include new tolling provisions, add limitations periods for new crimes, and to provide specific exceptions to the limitations as a result of technological advances such as DNA identification. (See Appendix A, page 6) K.S.A. 21-3106 currently sets out four limitation periods which are: no limitation for the crimes of murder, terrorism or illegal use of weapons of mass destruction; ten years for crimes where the Kansas public employees retirement system (KPERs) is the victim; five years, or one year after DNA identification of the perpetrator, for sexually violent crimes as defined in K.S.A. 22-3717, whichever is later; and five years for all

remaining crimes. Sexually violent crimes listed in K.S.A. 22-3717 include:

- Rape, K.S.A. 21-3502; indecent liberties with a child, K.S.A. 21-3503;
- Aggravated indecent liberties with a child, K.S.A. 21-3504;
- Criminal sodomy, subsection (a)(2) and (a)(3) of K.S.A. 21-3505;
- Aggravated criminal sodomy, K.S.A. 21-3506;
- Indecent solicitation of a child, K.S.A. 21-3510;
- Aggravated indecent solicitation of a child, K.S.A. 21-3511;
- Sexual exploitation of a child, K.S.A. 21-3516;
- Aggravated sexual battery, K.S.A. 21-3518;
- Aggravated incest, K.S.A. 21-3603; or
- An attempt, conspiracy or criminal solicitation, as defined in K.S.A. 21-3301, 21-3302 or 21-3303 of a sexually violent crime as defined in this section.

The limitations are tolled in the following situations: while the accused is absent from the state; while the accused is concealed within the state; while the fact of the crime is concealed; when a prosecution is pending against the defendant for the same conduct, even if the indictment or information commencing the prosecution is quashed or the proceedings are set aside or reversed on appeal; when an administrative agency is restrained by court order from investigating or proceeding on a matter before it as to any criminal conduct in violation of election campaign finance or state governmental ethics statutes; or when the victim is a child or otherwise psychologically vulnerable. In the instance of a child or other psychologically vulnerable victim, the limitation is tolled until the date the victim turns 28 years of age as long as two or more of the following factors are present:

- The victim was under 15 at the time of the crime;
- The victim was of an age or intelligence that he or she did not know that the acts constituted a crime;
- The victim was prevented from reporting the crime by a parent or other legal authority whether or not either the parent or legal authority is the accused;
- There is competent expert testimony that the victim psychologically repressed memory of the crime and in the expert's opinion the recall of the memory is accurate and free of undue manipulation, and corroborating evidence can be produced in support of the allegations.

(See Appendix B, page 7)

## **STATUTORY AMENDMENTS PROPOSED IN 2008 SB 427**

2008 SB 427 proposes to extend the unlimited statute of limitations as for murder, terrorism and illegal use of weapons of mass destruction, to the crimes of rape (K.S.A. 21-3502), aggravated indecent liberties with a child (K.S.A. 21-3504), indecent liberties with a child (K.S.A. 21-3503), aggravated sodomy (K.S.A. 21-3506) or sodomy (K.S.A. 21-3505(a)(2) or (a)(3)). (See Appendix C, pages 8-9)

## **COMMITTEE'S REVIEW OF 2008 SB 427**

The Committee met on August 31, 2008 and September 5, 2008. In addition to review of the amendments proposed in 2008 SB 427, the Committee reviewed written testimony from Senator Pat Apple, Franklin County Attorney Heather Jones, Sheriff Frank Denning, Victim Services Director Dorothy Stucky Halley, Retired Chief of Police Ed Klumpp, Riley County Attorney Barry Wilkerson, Executive Director of the Kansas Coalition Against Sexual and Domestic Violence Sandra Barnett, and Attorney Tom Bartee and explored statutes of limitations from several other states.

The Committee considered the testimony in support of and opposition to the proposed amendments. Proponents argued that the amendment is necessary for a variety of reasons. Some suggested that since the penalties for these sex offenses are as severe as the penalty for murder, then the statute of limitations for the sex offenses should also be the same as that of murder. Others proposed that these sex offenses are unique circumstances in which the victim frequently cannot, or does not, report the crime for a significant amount of time due to fear, intimidation, threats, embarrassment or trauma associated with the crime. The result is that a prosecution which could have been successfully pursued is barred by the statute of limitations due to the delay in reporting. Still others maintained that there should be no limitation on prosecuting these sex offenses because of potential advances in technology. For instance, DNA identification now allows for identification of perpetrators at a much later date than was ever possible before. The question remains as to what new technological advances will break through and aid investigators in the future. If the statute continues to limit prosecution to 5 years, then new technology may not be allowed to aid in a prosecution if it is not developed and utilized within that 5 year period. Finally, some proponents argued that the effects these crimes typically have on the victims are serious enough to require that a defendant never be allowed to escape prosecution for such a violation. They argued that justice can not be served if a defendant can avoid prosecution simply by being lucky enough to not get caught before the statute of limitations expire.

Opponents of the proposed legislation argued that the amendment is both unfair and unnecessary. Some felt that allowing such an amendment will increase the potential for stale accusations, increase potential for blackmail, and decrease the incentive that law enforcement has to promptly investigate the crime. In addition, this amendment would create an anomaly between the criminal and civil courts in which a civil defendant may only be made to pay damages if prosecuted by the time the victim reaches the age of 21 or, by three years from the date the injury or illness was discovered or should have been discovered, whichever is later. Finally, opponents argued that the amendment is unnecessary because the exceptions and tolling provisions in the current statute adequately address the proponent's concerns.

The Committee first considered the purpose of statutes of limitation and what result such an amendment would have. "It has been said that statutes of limitation are statutes of repose, precluding presentation of stale claims and encouraging diligence on the part of those whose rights have been infringed. In furthering these objectives, such statutes serve a worthy and useful purpose, and we are not at liberty to ignore them completely." *Underhill v. Thompson*, 37 Kan. App.2d 870, 875, 158 P.3d 987, *rev. denied* 285 Kan. \_\_\_\_ (November 6, 2007) (citing *Welch v. City of Kansas City*, 204 Kan. 765, 771, 465 P.2d 951 (1970)).

The Committee discussed what effect not having a limitation on the prosecution for these types of sex offenses could potentially have and tried to balance the interests of the victim with that of the defendant. The Committee acknowledged that these crimes are serious and have lasting effects on the victim, and that the amendment could provide a victim some solace or comfort knowing that the perpetrator could be prosecuted at any time. However, the Committee was concerned with the inequity that could result if a person was forced to defend a stale claim. The Committee discussed the difficulty a defendant would have defending a case after a significant amount of time has passed, i.e. the more time that passes, the more likely that a defendant would not have access to important exculpatory evidence. These types of crimes tend to be completed in private, without witnesses, so a defendant would have to rely on any evidence gained during the investigation. Over time, such evidence, including any exculpatory evidence, may be destroyed, damaged or lost and it may become impossible to reconstruct events as they happened. Although the prosecution could potentially have the ability to protect evidence, the defendant would still be at a significant disadvantage. While this disadvantage may not be all that unappealing when it affects a guilty defendant, the fact remains that everyone is innocent until proven guilty. Considering the seriousness of the penalties resulting from a conviction of these crimes, the Committee remains concerned about the difficulty of defending stale claims and the potential increase in such claims if this bill is passed.

Second, the Committee discussed whether the proposed amendment was even necessary. It noted the number of times the statute has been amended in the past, the types of amendments done, and what the statute currently covers. (See Appendix A and B, pages 6 and 7 respectively) The Committee applied the provisions of the current statute to several different hypothetical scenarios and could not come up with a scenario that the statute would not address. The statute currently has an exception that extends the statute of limitation in situations where DNA is used to identify the perpetrator. It has a provision that extends the term for crimes involving children or other psychologically vulnerable victims, and the statute tolls the term while the accused is out of the state, while the accused is hidden within the state, or while the fact of the crime is concealed. The Committee concluded that the tolling provisions and the exceptions in the current statute appear to adequately address the proponent's concerns.

Finally, during the discussions, the Committee was informed that the Criminal Code Recodification Commission is currently considering revisions to the statute of limitations as it works to recodify the criminal code. In light of this information and the fact that the Committee does not feel that such an amendment is warranted at this time, the Committee has unanimously agreed that it would not support the adoption of 2008 SB 427 or any similar bill.

## **COMMITTEE'S CONCLUSIONS REGARDING 2008 SB 427**

The Judicial Council Criminal Law Advisory Committee recommends against the adoption of the amendments proposed in 2008 SB 427. The Committee agrees that the proposed language is unnecessary. The tolling provisions and the exceptions in the current statute appear to adequately address the proponent's concerns. Furthermore, the Criminal Code Recodification Commission is considering revisions to the statute so the Committee would defer to their decisions at this time.

However, in the event that the Legislature feels that an amendment is necessary, the Committee would like to suggest that the Washington state statute be reviewed as a potential model. (See Appendix D, pages 10-11) The Committee was specifically interested in the provisions of RCW 9A.04.080(1)(b)(iii) which relates to the crime of rape and provides that if the rape is reported within one year of its commission, the limitation term is 10 years after commission of the crime unless the victim was under 14 years of age at the time of the crime. In that case, prosecution may be commenced until the victim turns 21 years of age or up to 10 years after the commission of the rape, whichever is later. However, if the rape is not reported within one year of its commission, the limitation term is 3 years after commission of the crime for victims 14 of age or older, and for victims under 14 years of age, prosecution may be commenced until the victim turns 21 years of age or up to 7 years after the commission of the rape, whichever is later.

Appendix A

1986	Prosecution for indecent liberties with a child, aggravated indecent liberties with a child, aggravated sodomy, enticement of a child, indecent solicitation of a child, aggravated indecent solicitation of a child, sexual exploitation of a child or aggravated incest must be commenced within 5 years of its commission if the victim is less than 16 years of age. This term is to be tolled while either the accused is absent from the state or concealed so that process cannot be served, the crime is concealed or a prosecution is pending against the defendant for the same conduct.
1990	Another tolling provision was added that so that the term of limitation would be tolled in instances where an administrative agency is restrained by court order from investigating or otherwise proceeding on a matter before it as to any criminal conduct involving election campaign finance or state governmental ethics which may be discovered as a result thereof.
1992	Prosecution for a crime must be commenced within 10 years after its commission if the victim is the Kansas public employees retirement system (KPERs).
1993	Aggravated criminal sodomy was removed from the list of sex offenses involving victims less than 16 years of age and inserted into a new provision which provided that the crimes of aggravated criminal sodomy and rape must be prosecuted within 5 years regardless of the age of the victim.
1994	Another tolling provision was added that extended the SOL almost indefinitely in the following instances where two or more of the following factors are present: the victim was under 15 years of age at the time of the crime; the victim was of such age or intelligence that he or she was unable to determine that the acts constituted a crime; the victim was prevented by a parent or other legal authority from making the crime known to law enforcement; and, there is substantially competent expert testimony indicating the victim psychologically repressed memory of the crime and in the expert's professional opinion the recall of such memory is accurate and free of manipulation, and substantial corroborating evidence can be produced in support of the allegations but in no event may a prosecution be commenced as provided later than the date the victim turns 28 years of age.
1996	Prosecution for any crime found in the Kansas medicaid fraud control act must be commenced within 5 years of its commission.
1998	Prosecution for the crime of arson or aggravated arson must be commenced within five years after its commission.
2001	The statute was amended to include a DNA exception and provided that a prosecution for any of the sex offenses involving victims less than 16 years of age, any sexually violent offense listed in K.S.A. 22-3717, or any rape or aggravated criminal sodomy, must be commenced within 5 years of its commission or 1 year from the date on which the identity of the suspect is conclusively established by DNA testing, whichever is later.
2005	The statute was again amended in an apparent attempt to clean up and reorganize the statute. This amendment resulted in four different limitations: Murder has no limit on commencement of prosecution; Crimes where KPERs is the victim must be prosecuted within 10 years; Any sexually violent offense as listed in K.S.A. 22-3717 must be prosecuted within 5 years or within one year of DNA identification, whichever is later; any other crime as defined in K.S.A. 21-3105 and not covered elsewhere must be prosecuted within 5 years.
2006	Most recently amended to add the newly created crimes of terrorism and illegal use of weapons of mass destruction to murder in the list of crimes without any limitation on the commencement of prosecutions.

**Chapter 21.--CRIMES AND PUNISHMENTS**

**PART I.--GENERAL PROVISIONS**

**Article 31.--PRELIMINARY**

**21-3106. Time limitations for commencement of prosecutions.** (1) A prosecution for murder, terrorism or illegal use of weapons of mass destruction may be commenced at any time.

(2) Except as provided in subsection (5), a prosecution for any crime must be commenced within 10 years after its commission if the victim is the Kansas public employees retirement system.

(3) (a) Except as provided in subsection (5), a prosecution for a sexually violent offense as defined in K.S.A. 22-3717, and amendments thereto, must be commenced within the limitation of time provided by the law pertaining to such offense or one year from the date on which the identity of the suspect is conclusively established by DNA testing, whichever is later.

(b) For purposes of this section, "DNA" means deoxyribonucleic acid.

(4) Except as provided by subsection (5), a prosecution for any crime, as defined in K.S.A. 21-3105, and amendments thereto, not governed by subsections (1), (2) or (3) must be commenced within five years after it is committed.

(5) The period within which a prosecution must be commenced shall not include any period in which: (a) The accused is absent from the state;

(b) the accused is concealed within the state so that process cannot be served upon the accused;

(c) the fact of the crime is concealed;

(d) a prosecution is pending against the defendant for the same conduct, even if the indictment or information which commences the prosecution is quashed or the proceedings thereon are set aside, or are reversed on appeal;

(e) an administrative agency is restrained by court order from investigating or otherwise proceeding on a matter before it as to any criminal conduct defined as a violation of any of the provisions of article 41 of chapter 25 and article 2 of chapter 46 of the Kansas Statutes Annotated which may be discovered as a result thereof regardless of who obtains the order of restraint; or

(f) whether or not the fact of the crime is concealed by the active act or conduct of the accused, there is substantially competent evidence to believe two or more of the following factors are present: (i) The victim was a child under 15 years of age at the time of the crime; (ii) the victim was of such age or intelligence that the victim was unable to determine that the acts constituted a crime; (iii) the victim was prevented by a parent or other legal authority from making known to law enforcement authorities the fact of the crime whether or not the parent or other legal authority is the accused; and (iv) there is substantially competent expert testimony indicating the victim psychologically repressed such witness' memory of the fact of the crime, and in the expert's professional opinion the recall of such memory is accurate and free of undue manipulation, and substantial corroborating evidence can be produced in support of the allegations contained in the complaint or information but in no event may a prosecution be commenced as provided in this section later than the date the victim turns 28 years of age. Corroborating evidence may include, but is not limited to, evidence the defendant committed similar acts against other persons or evidence of contemporaneous physical manifestations of the crime. "Parent or other legal authority" shall include but not be limited to natural and stepparents, grandparents, aunts, uncles or siblings.

(6) An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing offense plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

(7) A prosecution is commenced when a complaint or information is filed, or an indictment returned, and a warrant thereon is delivered to the sheriff or other officer for execution. No such prosecution shall be deemed to have been commenced if the warrant so issued is not executed without unreasonable delay.

**History:** L. 1969, ch. 180, § 21-3106; L. 1986, ch. 118, § 1; L. 1990, ch. 306, § 20; L. 1992, ch. 321, § 20; L. 1993, ch. 253, § 13; L. 1994, ch. 296, § 1; L. 1996, ch. 267, § 13; L. 1998, ch. 52, § 2; L. 1998, ch. 185, § 4; L. 2001, ch. 208, § 3; L. 2005, ch. 162, § 1; L. 2006, ch. 146, § 4; July 1.

Appendix C

Session of 2008

**SENATE BILL No. 427**

By Committee on Judiciary

1-16

AN ACT concerning criminal procedure; relating to the statute of limitations for certain sex offenses; amending K.S.A. 21-3106 and repealing the existing section.

*Be it enacted by the Legislature of the State of Kansas:*

Section 1. K.S.A. 21-3106 is hereby amended to read as follows: 21-3106. (1)

A prosecution for *the following criminal offenses may be commenced at any time:*

(a) Murder,;

(b) terrorism ~~or~~;

(c) illegal use of weapons of mass destruction ~~may be commenced at any time;~~

(d) rape as defined in K.S.A. 21-3502, and amendments thereto;

(e) aggravated indecent liberties with a child as defined in K.S.A. 21-3504, and amendments thereto;

(f) indecent liberties with a child as defined in K.S.A. 21-3503, and amendments thereto;

(g) aggravated sodomy as defined in K.S.A. 21-3056, and amendments thereto; or

(h) sodomy as defined subsection (a)(2) or (a)(3) of K.S.A. 21-3505, and amendments thereto.

(2) Except as provided in subsection (5), a prosecution for any crime must be commenced within 10 years after its commission if the victim is the Kansas public employees retirement system.

(3) (a) Except as provided in ~~subsection~~ *subsections (1) and (5)*, a prosecution for a sexually violent offense as defined in K.S.A. 22-3717, and amendments thereto, must be commenced within the limitation of time provided by the law pertaining to such offense or one year from the date on which the identity of the suspect is conclusively established by DNA testing, whichever is later.

(b) For purposes of this section, “DNA” means deoxyribonucleic acid.

(4) Except as provided by subsection (5), a prosecution for any crime, as defined in K.S.A. 21-3105, and amendments thereto, not governed by subsections (1), (2) or (3) must be commenced within five years after it is committed.

(5) The period within which a prosecution must be commenced shall not include any period in which:

(a) The accused is absent from the state;

(b) the accused is concealed within the state so that process cannot be served upon the accused;

(c) the fact of the crime is concealed;

(d) a prosecution is pending against the defendant for the same conduct, even if the indictment or information which commences the prosecution is quashed

## Appendix C

or the proceedings thereon are set aside, or are reversed on appeal;

(e) an administrative agency is restrained by court order from investigating or otherwise proceeding on a matter before it as to any criminal conduct defined as a violation of any of the provisions of article 41 of chapter 25 and article 2 of chapter 46 of the Kansas Statutes Annotated which may be discovered as a result thereof regardless of who obtains the order of restraint; or

(f) whether or not the fact of the crime is concealed by the active act or conduct of the accused, there is substantially competent evidence to believe two or more of the following factors are present: (i) The victim was a child under 15 years of age at the time of the crime; (ii) the victim was of such age or intelligence that the victim was unable to determine that the acts constituted a crime; (iii) the victim was prevented by a parent or other legal authority from making known to law enforcement authorities the fact of the crime whether or not the parent or other legal authority is the accused; and (iv) there is substantially competent expert testimony indicating the victim psychologically repressed such witness' memory of the fact of the crime, and in the expert's professional opinion the recall of such memory is accurate and free of undue manipulation, and substantial corroborating evidence can be produced in support of the allegations contained in the complaint or information but in no event may a prosecution be commenced as provided in this section later than the date the victim turns 28 years of age. Corroborating evidence may include, but is not limited to, evidence the defendant committed similar acts against other persons or evidence of contemporaneous physical manifestations of the crime. "Parent or other legal authority" shall include but not be limited to natural and stepparents, grandparents, aunts, uncles or siblings.

(6) An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing offense plainly appears, at the time when the course of conduct or the defendant's complicity therein is terminated. Time starts to run on the day after the offense is committed.

(7) A prosecution is commenced when a complaint or information is filed, or an indictment returned, and a warrant thereon is delivered to the sheriff or other officer for execution. No such prosecution shall be deemed to have been commenced if the warrant so issued is not executed without unreasonable delay.

Sec. 2. K.S.A. 21-3106 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

## Appendix D

### **RCW 9A.04.080**

#### **Limitation of actions.**

(1) Prosecutions for criminal offenses shall not be commenced after the periods prescribed in this section.

(a) The following offenses may be prosecuted at any time after their commission:

(i) Murder;

(ii) Homicide by abuse;

(iii) Arson if a death results;

(iv) Vehicular homicide;

(v) Vehicular assault if a death results;

(vi) Hit-and-run injury-accident if a death results (RCW 46.52.020(4)).

(b) The following offenses shall not be prosecuted more than ten years after their commission:

(i) Any felony committed by a public officer if the commission is in connection with the duties of his or her office or constitutes a breach of his or her public duty or a violation of the oath of office;

(ii) Arson if no death results; or

(iii) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is reported to a law enforcement agency within one year of its commission; except that if the victim is under fourteen years of age when the rape is committed and the rape is reported to a law enforcement agency within one year of its commission, the violation may be prosecuted up to three years after the victim's eighteenth birthday or up to ten years after the rape's commission, whichever is later. If a violation of RCW 9A.44.040 or 9A.44.050 is not reported within one year, the rape may not be prosecuted: (A) More than three years after its commission if the violation was committed against a victim fourteen years of age or older; or (B) more than three years after the victim's eighteenth birthday or more than seven years after the rape's commission, whichever is later, if the violation was committed against a victim under fourteen years of age.

(c) Violations of the following statutes shall not be prosecuted more than three years after the victim's eighteenth birthday or more than seven years after their commission, whichever is later: RCW 9A.44.073, 9A.44.076, 9A.44.083, 9A.44.086, \*9A.44.070, 9A.44.080, 9A.44.100(1)(b), or 9A.64.020.

(d) The following offenses shall not be prosecuted more than six years after their commission: Violations of RCW 9A.82.060 or 9A.82.080.

(e) The following offenses shall not be prosecuted more than five years after their commission: Any class C felony under chapter 74.09, 82.36, or 82.38 RCW.

(f) Bigamy shall not be prosecuted more than three years after the time specified in RCW 9A.64.010.

(g) A violation of RCW 9A.56.030 must not be prosecuted more than three years after the discovery of the offense when the victim is a tax exempt corporation under 26 U.S.C. Sec. 501(c)(3).

(h) No other felony may be prosecuted more than three years after its commission; except that in a prosecution under RCW 9A.44.115, if the person who was viewed, photographed, or filmed did not realize at the time that he or she was being viewed, photographed, or filmed, the prosecution must be commenced within two years of the time the person who was viewed or in the photograph or film first learns that he or she was viewed, photographed, or filmed.

(i) No gross misdemeanor may be prosecuted more than two years after its commission.

(j) No misdemeanor may be prosecuted more than one year after its commission.

(2) The periods of limitation prescribed in subsection (1) of this section do not run during any time when the person charged is not usually and publicly resident within this state.

## Appendix D

(3) In any prosecution for a sex offense as defined in RCW 9.94A.030, the periods of limitation prescribed in subsection (1) of this section run from the date of commission or one year from the date on which the identity of the suspect is conclusively established by deoxyribonucleic acid testing, whichever is later.

(4) If, before the end of a period of limitation prescribed in subsection (1) of this section, an indictment has been found or a complaint or an information has been filed, and the indictment, complaint, or information is set aside, then the period of limitation is extended by a period equal to the length of time from the finding or filing to the setting aside.

[2006 c 132 § 1; 1998 c 221 § 2. Prior: 1997 c 174 § 1; 1997 c 97 § 1; prior: 1995 c 287 § 5; 1995 c 17 § 1; 1993 c 214 § 1; 1989 c 317 § 3; 1988 c 145 § 14; prior: 1986 c 257 § 13; 1986 c 85 § 1; prior: 1985 c 455 § 19; 1985 c 186 § 1; 1984 c 270 § 18; 1982 c 129 § 1; 1981 c 203 § 1; 1975 1st ex.s. c 260 § 9A.04.080.]

### Notes:

**\*Reviser's note:** RCW 9A.44.070 and 9A.44.080 were repealed by 1988 c 145 § 24.

**Intent -- 1989 c 317:** See note following RCW 4.16.340.

**Effective date -- Savings -- Application -- 1988 c 145:** See notes following RCW 9A.44.010.

**Severability -- 1986 c 257:** See note following RCW 9A.56.010.

**Effective date -- Severability -- 1985 c 455:** See RCW 9A.82.902 and 9A.82.904.

**Severability -- Effective date -- 1984 c 270:** See RCW 9A.82.900 and 9A.82.901.

**Severability -- 1982 c 129:** "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1982 c 129 § 11.]